

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-20810
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
November 13, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICHARD JAMES WHITE,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:13-CR-597-49

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Richard James White appeals his conditional guilty plea conviction of possession with intent to distribute 50 kilograms or more of marijuana for which he was sentenced to 18 months of imprisonment and three years of supervised release. He appeals the denial of his motion to suppress the marijuana discovered by law enforcement at an immigration checkpoint.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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The district court did not err in denying White's motion to suppress. *See United States v. Jaime*, 473 F.3d 178, 181 (5th Cir. 2006). White's detention in the primary inspection lane was within the permissible duration of an immigration checkpoint stop. *See United States v. Machuca-Barrera*, 261 F.3d 425, 431-35 (5th Cir. 2001). The dog's alerts provided probable cause for a warrantless search of the tractor-trailer's spare tire. *See United States v. Dovali-Avila*, 895 F.2d 206, 207-09 (5th Cir. 1990). Accordingly, we do not need to address White's alternative argument that the search of the spare tire exceeded the scope of his consent.

The judgment of the district court is AFFIRMED.